

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

<b>EFRAÍN SUÁREZ ARCE</b>  Plaintiff  Vs.  <b>HON. JOSÉ APONTE DALMAU, MAYOR, MUNICIPALITY OF CAROLINA, AGENT JAVIER RODRÍGUEZ GUERRA AND JOHN DOE</b>  Defendants	<b>CIVIL NO.: 13-1512 (ADC)</b>
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**PLAINTIFF'S SECOND MOTION TO REMAND**

**TO THE HONORABLE COURT:**

**COMES NOW Efraín Suárez Arce**, the plaintiff, through his undersigned legal representation, and respectfully requests that the Court remand the instant action to the State court:

1. On June 26, 2013 the defendant, **Municipality of Carolina**, filed with this court a notice of removal. (Dkt No.1)

2. Within 30 day after the filing of said notice of removal, the plaintiff filed a motion to remand.

3. The defendant's request for the removal of the case is based solely on the fact that the plaintiff alleges, at paragraph 4 of his complaint, that the cause of action arises under **section 1983** of the **Federal Civil Right Act**.

4. Both courts, the State court and this federal court, have jurisdiction based upon said section 1983, **supra**.

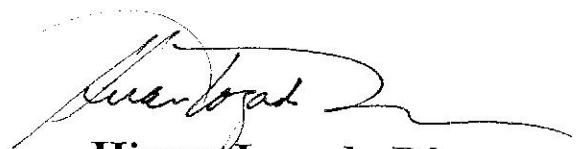
5. This Honorable Court must decide that for the convenience of parties, witnesses, and in the interest of justice, the action should be remand to the State court.

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court grants the foregoing motion, and order the remand of this civil action to the State court.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 23th day of September, 2013.

**I HEREBY CERTIFY** that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system that will send notification of such filing to all attorneys of record registered in the use of the CM/ECF system, and also by regular mail to **Pedro Ortiz Álvarez, LLC**, PO Box 9009, Ponce, Puerto Rico 00732.



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